

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

**IN THE MATTER OF:**

**GOLDSMITH AND SON, INC., JOHN  
E. GOLDSMITH, AND J & G PALLET,  
L.L.C.**

**Woodbury County**

**CONSENT AMENDMENT TO  
ADMINISTRATIVE ORDER**

**NO. 2007-WW-07-A2**

To: John E. Goldsmith, President  
Goldsmith and Son, Inc.  
1470 210<sup>th</sup> Street  
Sergeant Bluff, Iowa 51054

Dianne P. Shay, Registered Agent  
J & G Pallet, L.L.C.  
1701 Glendale Blvd.  
Sioux City, Iowa 51105

John E. Goldsmith  
1470 210<sup>th</sup> Street  
Sergeant Bluff, Iowa 51054

Administrative Order No. 2007-WW-07 (Order) was issued by the Iowa Department of Natural Resources (Department) on May 4, 2007. The Order was amended by Administrative Order No 2007-WW-07-A1 issued by the Department on February 20, 2008, to remove Patti R. Goldsmith (now Patti R. Vohs) as a party. The Order was appealed timely. The remaining parties have agreed to the following consent amendment to resolve the appeal and the penalty.

1. Section III. STATEMENT OF FACTS is amended by the addition of paragraph 11.

11. John E. Goldsmith provided information confirming that the underground holding tank at issue in the Order was uncovered in June 2007. The tank was capped and the leach system was disconnected from the tank so that it could no longer be used with the existing tank. On or about June 13, 2007 a Department Field Office No 3. inspector visited the site, inspected the tank, and took photos. The inspector confirmed that the leach line was disconnected and the tank was capped. On June 14, 2007 the City of Sioux City issued a special waste discharge permit to John Goldsmith for disposal of liquid wastes from the truck wash by tanker truck at the City's wastewater treatment facility. Receipts were provided showing the periodic hauling of pumped trailer wash tank wastes from the business.

2. Section V. ORDER is amended by the rescission of paragraph 3 and the addition of new paragraph 3.

3. Goldsmith and Son, Inc. (Goldsmith and Son), John E. Goldsmith (Goldsmith), and J & G Pallet, L.L.C. (J & G) and the Department agree to the payment of an administrative penalty in the amount of \$5,000.00 to the Department to settle this matter. The parties furthermore agree that this administrative penalty may be paid in monthly installments of \$200.00 per month, until paid in full, beginning on June 20, 2008. Payments are due by the 20<sup>th</sup> day of the month until paid in full.

4. Section VI. PENALTY is rescinded and replaced with the following:

Pursuant to the provisions of Iowa Code section 455B.109 and 567 IAC chapter 10, which authorize the Director to assess administrative penalties, a penalty of \$5,000.00 is assessed.

5. Section VII. APPEAL RIGHTS is rescinded and replaced with the following.

## **VII. WAIVER OF APPEAL RIGHTS**

This consent amendment is entered into knowingly and with the consent of Goldsmith and Son, Goldsmith and J& G. For this reason, Goldsmith and Son, Goldsmith and J & G waive the right to appeal this consent amendment and agree to dismissal of the appeal of the Order. This consent amendment in effect closes Administrative Order Nos. 2007-WW-07 and 2007-WW-A1.


6. Section VIII. Noncompliance is rescinded and replaced by the following.

## **VIII. NONCOMPLIANCE**


Compliance with Section V. of the Order, as amended by this consent amendment, constitutes full satisfaction of all requirements pertaining to the violations described in the Order. Failure to comply with the Order as amended by this consent amendment may result in the referral to the Iowa Department of Revenue or the Attorney General for collection of the penalty and/ or to the Attorney General for injunctive relief and additional monetary penalties.

For questions contact:

Diana L. Hansen, Staff Attorney  
Iowa Department of Natural Resources  
Wallace State Office Building, 502 E. 9<sup>th</sup> Street  
Des Moines, Iowa 50319  
Phone (515) 281-6267

  
JOHN E. GOLDSMITH, PRESIDENT  
GOLDSMITH AND SON, INC.

Dated this 3 day of  
June, 2008.

  
JOHN E. GOLDSMITH

Dated this 3 day of  
June, 2008.

  
BLANNE P. SHAY  
J & G PALLET, L.L.C.

Dated this 3 day of  
June, 2008.

  
RICHARD A. LEOPOLD, DIRECTOR  
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 16 day of  
June, 2008.

Copy to Woodbury County Wastewater File- Central Records, Tom Roos- Field Office  
No. 3, Diana L. Hansen- Legal Services Bureau, US EPA Region VII, I.C.1.